



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
312 North Spring Street, Room G-8  
Los Angeles, CA 90012  
Tel: (213) 894-3535

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4750

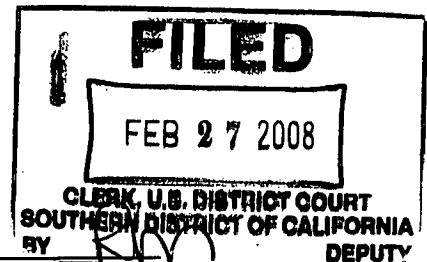
EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

SHERRI R. CARTER  
District Court Executive and  
Clerk of Court

'08 CV 0376 W CAB

February 25, 2008

Clerk, United States District Court  
Southern District of California  
880 Front Street, Suite 4290  
San Diego, CA 92101



Re: Transfer of our Civil Case No. LACV08-00944 JVS (FMO)

Case Title: Genaro Sanguino v. Hidalgo

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

NOTE: ELECTRONIC CASE FILING SYSTEM, CM/ECF. PLEASE BE ADVISED YOU MAY ACCESS THIS DATABASE.

OUR WEB SITE IS: <http://ecf.cacd.uscourts.gov>

PLEASE USE YOUR COURT'S PACER ACCOUNT

AND PASSWORD TO ACCESS THIS DOCUMENT.

Very truly yours,  
SHERRI R. CARTER  
Clerk, U.S. District Court

By Marlene Ramirez  
Deputy Clerk

cc: All counsel of record

2254	1983
FILING FEE PAID	
Yes	No
PT MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

=====

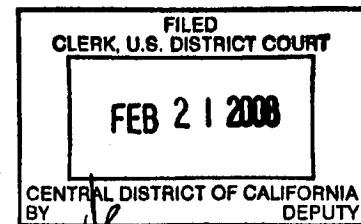
**TO BE COMPLETED BY RECEIVING DISTRICT**

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: \_\_\_\_\_.

Clerk, U.S. District Court

By \_\_\_\_\_  
Deputy Clerk

JS-6



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GENARO SANGUINO,

Petitioner,

v.

HIDALGO,

Respondent.

NO. CV 08-0944 JVS (FMO)

**ORDER TRANSFERRING ACTION TO  
UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF  
CALIFORNIA**

Petitioner, who is proceeding pro se, is presently confined at Shafter Community Correctional Facility, which is located in Kern County within the jurisdictional boundaries of the Eastern District of California. See 28 U.S.C. § 84(b). On February 12, 2008, petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody ("Petition") pursuant to 28 U.S.C. § 2254. The Petition challenges a conviction and sentence entered against him in the San Diego County Superior Court, (see Petition at 2); see also <http://appellatecases.courtinfo.ca.gov/>, which is located within the jurisdictional boundaries of the Southern District of California. See 28 U.S.C. § 84(d).

A Petition for Writ of Habeas Corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d). In addition, when a habeas petitioner is challenging his underlying conviction or sentence, the district court for the district in

1 which the petitioner was convicted and sentenced is a more convenient forum because of the  
 2 accessibility of evidence, records and witnesses. See Bell v. Watkins, 692 F.2d 999, 1013 (5th  
 3 Cir. 1982, as amended Feb. 28, 1983), cert. denied, 464 U.S. 843, 104 S.Ct. 142 (1983) (district  
 4 court properly transferred habeas petition to district of conviction because, among other things,  
 5 district of conviction "was the more convenient forum because of the accessibility of evidence");  
 6 see also Patterson v. Mendoza-Powers, 2007 WL 1411550, at \*1 (N.D. Cal. 2007) (A "petition  
 7 challenging a conviction or the sentence imposed is preferably heard in the district of conviction.").

8 Here, petitioner is incarcerated in the Eastern District of California and was convicted in the  
 9 Southern District of California. Thus, this matter could be heard in either the Eastern or the  
 10 Southern District. See 28 U.S.C. § 2241(d); Solorio v. Evans, 2007 WL 121322, at \*1 (N.D. Cal.  
 11 2007) ("venue is . . . proper in either the district of confinement or the district of conviction"). The  
 12 Southern District is a more appropriate venue, however, because petitioner was convicted and  
 13 sentenced in the Southern District. See Patterson, 2007 WL 1411550, at \*1. Accordingly, in the  
 14 interests of justice, the Court shall transfer the above-captioned action to the Southern District of  
 15 California. See 28 U.S.C. § 1406(a).

16 Based on the foregoing, IT IS ORDERED THAT:


17 1. This action shall be transferred to the United States District Court for the Southern  
 18 District of California. See 28 U.S.C. §§ 1406(a) & 2241(d).

19 2. The Clerk shall serve a copy of this Order upon petitioner and the California Attorney  
 20 General.

21 DATED: 2. 21, 2008.

22   
 23 JAMES V. SELNA  
 24 UNITED STATES DISTRICT JUDGE

25 I hereby attest and certify on 2-25-08  
 26 that the foregoing document is a full, true  
 27 and correct copy of the original on file in  
 28 my office, and in my legal custody.

CLERK U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
  
 DEPUTY CLERK



194, CLOSED, TRANSFERRED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**(Western Division - Los Angeles)**  
**CIVIL DOCKET FOR CASE #: 2:08-cv-00944-JVS-FMO**

Genaro Sanguino v. Hidalgo  
 Assigned to: Judge James V. Selna  
 Referred to: Magistrate Judge Fernando M. Olguin  
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 02/12/2008  
 Date Terminated: 02/21/2008  
 Jury Demand: None  
 Nature of Suit: 530 Habeas Corpus  
 (General)  
 Jurisdiction: Federal Question

**Petitioner**

**Genaro Sanguino**

represented by **Genaro Sanguino**  
 CDC F-82737  
 1150 E Ash Street  
 Shafter, CA 92363  
 PRO SE

V.

**Respondent**

**Hidalgo**

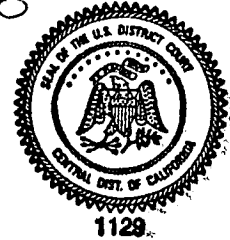
Date Filed	#	Docket Text
02/12/2008	<u>1</u>	PETITION for Writ of Habeas Corpus by a Person In State Custody (28:2254) Case assigned to Judge James V. Selna and referred to Magistrate Judge Fernando M. Olguin. (Filing fee \$ 5 PAID.), filed by Petitioner Genaro Sanguino. (et) Additional attachment(s) added on 2/19/2008 (et, ). (Entered: 02/19/2008)
02/12/2008	<u>2</u>	NOTICE OF REFERENCE TO A U.S. MAGISTRATE JUDGE. Pursuant to the provisions of the Local Rules, the within action has been assigned to the calendar of Judge James V. Selna and referred to Magistrate Judge Fernando M. Olguin to consider preliminary matters and conduct all further matters as appropriate. The Court must be notified within 15 days of any change of address. (et) (Entered: 02/19/2008)
02/21/2008	<u>3</u>	ORDER by Judge James V. Selna transferring case to United States District Court for the Southern District of California. Certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (Attachments: # <u>1</u> Transmittal Letter) (mr) (Entered: 02/25/2008)
02/25/2008		TRANSMITTAL of documents - certified copy of the order and the docket sheet to USDC Southern District of California. (mr) (Entered: 02/25/2008)

02/25/2008)

PACER Service Center			
Transaction Receipt			
02/25/2008 16:49:46			
PACER Login:	us3877	Client Code:	
Description:	Docket Report	Search Criteria:	2:08-cv-00944-JVS-FMO
Billable Pages:	1	Cost:	0.08

2-25-08  
 I hereby attest and certify on that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
*Marlene Ramsey*  
 DEPUTY CLERK



1129

FILED

Name CESAR SALAS

Prison Identification/Booking No.

E-22737

Address or Place of Confinement

C. C. P. State Prison East Ash  
State Prison # 92363

Note: It is your responsibility to notify the clerk of court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

UNITED STATES  
CENTRAL DISTRICTDISTRICT COURT  
OF CALIFORNIA

CASE NUMBER:

CV 08-944 JVS (Fmo)

to be certified by the clerk of the United States District Court

Full Name (Include name under which you were convicted)

STANLEY

Name of Warden, Superintendent, Jailor or Authorized Person Having Custody of Petitioner

[Signature]☐ AMENDED  
PETITION FOR WRIT OF HABEAS CORPUS  
BY A PERSON IN STATE CUSTODY28 U.S.C. § 2254  
Place/County of Conviction  
Previously Filed, Related Cases in this District Court  
(List by case number)  
CV

## INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are taking due relief from the conviction and/or the sentence. This form is your petition for relief.
  2. In this petition, you may challenge the judgment entered by only one California state court. If you make a false statement of entered by a different California state court, you must file a separate petition. Challenge the judgment.
  3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
  4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
  5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from asserting additional grounds at a later date.
- ~~By the time you have completed the form, send the original and two copies to the following address:~~  
If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out and sign the declaration at the last two pages of the form. Also, you must have an authorized officer at the legal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.

CLERK, U.S. DISTRICT COURT

FEB 11

CENTRAL DISTRICT OF CALIFORNIA  
BY CV-69 JVS/DS DEPUTY

completed the form, send the original and two copies to the following address:  
Clerk of the United States District Court for the Central District of California  
United States Courthouse  
ATTN: Intake / Clerk Section  
312 North Spring St.  
LOS ANGELES, Calif. 90012

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

2/13/2008 2:14:18 PM Receipt #: 104343  
Cashier : ABELLAMY [LA 1-1]  
Paid by: CITY OF SHAFTER  
2:CV08-00944  
2008-086900 Writ Habeas Corpus(1)  
Amount : \$5.00

Check Payment : 84926 /	5.00
Total Payment :	5.00

8E6900



## THIS PETITION CONCERNS:

1. ~~Detention and/or sentence.~~
2. ☐ Prison Discipline.
3. ☐ A parole problem.
4. ☐ Other

(3) COPY

## PETITION

## 1. Venue

- a. Place of detention ~~San Quentin~~
- b. Place of conviction and sentence ~~San Quentin~~

## 2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- a. Nature of offense(s) involved (include all counts): ~~1st degree murder - probation~~  
~~probation - 1992-1993~~

- b. Penal or other code section or sections: ~~187(a)(1)~~

- c. Case number: ~~SEN 229072~~

- d. Date of conviction: ~~9/15/2005~~ ~~7/26/2007~~

- e. Date of sentence: ~~11/15/2007~~

- f. Length of sentence on each count: ~~16 months with 25% off~~

## g. Plea (check one):

- ☐ Not Guilty/  
~~Guilty~~
- ☐ Nolo contendere

## h. Kind of trial (check one):

- ☐ Jury
- ☐ Judge only

3. Did you appeal to the California Court of Appeals the ~~California Court of Appeals~~ ~~the California Court of Appeals~~~~YES~~ NO ☐

If so, give the following information for your appeal (and attach a copy of the court's decision if available):

- a. Case number:

- b. Grounds raised (list each):

(1)

PETITION FOR WRIT OF HABEAS CORPUS BY A PRISON IN STATE CUSTODY (28 U.S.C. § 2254)

CV-69 (04/05)

Page 2 of 10



(3) COPY!

(3)  
(4)  
(5)  
(6)

C. Date of Decision:

~~2/12/2008~~d. Result: ~~For your notice of appeal~~4. If you did appeal, did you also file a Petition for Review with the California Supreme or the Court of Appeal? ☐ Yes ☒ No

If so, give the following information (and attach copies of the Petition for Review and the Supreme court ruling if available):

a. Case number: ~~2:08CV00944~~b. Grounds raised (if any): ~~50 Percent Diversion Progress Subdivision (n)~~

(1) requires ARB &amp; CDPA: (California Hotel &amp; Motel Assn. Supra 25 Cal.3d at p. 212)

(2) LA "SANTERAMO MINS" stating minutes him police he was going to get his

(3) ~~SANTERAMO MINS~~ to "50 Percent?"

(4)

(5)

(6)

c. Date of Decision

d. Result

5. If you did not appeal:

a. State your reasons: ~~Same as above~~b. Did you seek permission to file a late appeal? ☐ Yes ☒ No6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction? ☐ Yes ☒ No

If so, give the following information for each such petition (use additional pages if necessary) and attach copies of the petitions and the rulings on the petitions if available:

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

CV-69 (04/05)

Page 3 of 10

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date filed (or if mailed, the date the Petition was turned over to the Prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each) \_\_\_\_\_

(a) ~~Same as 2 of 10~~ \_\_\_\_\_

(3) COPY!

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

(e) \_\_\_\_\_

(f) \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

(6) Result: \_\_\_\_\_

(7) Was an evidentiary hearing held? ~~YES~~ ☐ NO

C. (1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date filed (or if mailed, the date the Petition was turned over to the Prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each) \_\_\_\_\_

a) ~~Same as 2 of 10~~ \_\_\_\_\_

b) \_\_\_\_\_

CV-69 (04/05)

PETITION FOR WRIT OF HABEAS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

Page 4 of 10

(c)

(f)

(3) COPY

(5) Date of decision: \_\_\_\_\_

(6) Result \_\_\_\_\_

(7) Was an evidentiary hearing held? ~~yes~~ ☐ NO

7. For this Petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

CAUTION: Exhaustion Requirement: In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that prior to seeking relief from the federal court, you first must present all of your grounds to the ~~California Superior Court~~.

a. Ground One: ~~Same as 3 of 10~~

(1) Supporting Facts: \_\_\_\_\_

(2) Did you raise this claim on direct appeal to the ~~California Court of Appeal~~ ☐ NO(3) Did you raise this claim in a Petition for Review to the ~~California Supreme Court~~ ☐ NO(4) Did you raise this in a habeas Petition to the ~~California Supreme Court~~ ☐ NOb. Ground two: ~~Same as 2 of 10~~

(1) Supporting Facts: \_\_\_\_\_

(2) Did you raise this claim on direct appeal to the ~~California Court of Appeal~~ ☐ NO(3) Did you raise this claim in a Petition for Review to the ~~California Supreme Court~~ ☐ NO

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. 2254)

CV-69 (04/05)

Page 5 of 10

c. Ground three: 50 Percent Disposition For Gross Subdivision (n)

no more APPEAL TO CALIFORNIA STATE COURT. SAME AS 3 OF 10

(1) Supporting Facts:

IS "SARAH AND NINA" STATES MAKING HIS BEHAVIOR TO THIS GROUP TO  
GET HIS SENTENCE REDUCED TO "50 PERCENT"

(2) Did you raise this claim on direct appeal to the California State Court? ☒ YES ☐ NO

(3) Did you raise this claim in a petition for review to the California State Court? ☒ YES ☐ NO

(4) Did you raise this claim in a habeas petition to the California State Court? ☒ YES ☐ NO

d. Ground four: Same as 3 of 10

(1) Supporting Facts:

(2) Did you raise this claim on direct appeal to the California State Court? ☒ YES ☐ NO

(3) Did you raise this claim in a petition for review to the California State Court? ☒ YES ☐ NO

(4) Did you raise this claim in a habeas petition to the California State Court? ☒ YES ☐ NO

e. Ground five: Same as 3 of 10

(1) Supporting Facts:

(2) Did you raise this claim on direct appeal to the California State Court? ☒ YES ☐ NO

(3) Did you raise this claim in a petition for review to the California State Court? ☒ YES ☐ NO

(4) Did you raise this claim in a habeas petition to the California State Court? ☒ YES ☐ NO

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

(3)  
COPY!

9. Have you previously filed any habeas petitions in any federal court with respect to this judgment of conviction?

☐ Yes ☒ NO

If so, Give the following information for each such petition (use additional pages if necessary and attach copies of the petitions and the rulings on the petitions if available):

a. (1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each):

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

(e) \_\_\_\_\_

(f) \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

(6) Result: \_\_\_\_\_

(7) Was an evidentiary hearing held ☐ Yes ☒ NO

b. (1)

(2)

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each):

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

(e) \_\_\_\_\_

(f) \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

(6) Result: \_\_\_\_\_

(7) Was an evidentiary hearing ☐ Yes ☒ NO

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction ☐ Yes ☒ NO

If so, give the following information (and attach a copy of the petition if available):

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each): \_\_\_\_\_

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) \_\_\_\_\_

(e) \_\_\_\_\_

(f) \_\_\_\_\_

11. Are you presently represented by counsel ☐ Yes ☒ NO

If so, provide name, address and telephone number: \_\_\_\_\_

WHEREFORE, Petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

~~Executed on 1/26/2008~~

~~Signature of Petitioner~~

~~Signature of Petitioner~~

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)

CV-69 (04/05)

Page 8 of 10



**S159451**

**SUPREME COURT  
FILED**

**IN THE SUPREME COURT OF THE  
STATE OF CALIFORNIA**

**DEC 28 2007**

**Frederick K. Ohlrich Clerk**

**THE PEOPLE**

Plaintiff & Respondent

**v.**

**GENARO SANGUINO**

Defendant & Appellant

) **D052018** **Deputy**

) **Super.Ct.**

) **#SCN229073**

**PETITION FOR REVIEW**

Mr. Genaro Sanguino  
#F-82737  
C.C.F. Shafter  
1150 East Ash Street  
Shafter, CA 92363



# CALIFORNIA APPELLATE COURTS

Case Information



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begin at D035601)**

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## Docket (Register of Actions)

**The People v. Sanguino**  
**Case Number D052018**

C/C  
home

Date	Description	Notes
11/20/2007	Motion filed.	For Late Notice of Appeal
11/27/2007	Dismissal order filed.	On its own motion, the court takes judicial notice of San Diego Superior Court file SCN229073. Defendant's "Motion for Requesting a Late Notice of Appeal" received on November 20, 2007, is DENIED. The appeal is DISMISSED. McConnell, PJ

[Click here to request automatic e-mail notifications about this case.](#)

1 COPY

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**THE STATE BAR  
OF CALIFORNIA**

OFFICE OF THE CHIEF TRIAL COUNSEL

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

TELEPHONE: (213) 765-1000

TDD: (213) 765-1566

FAX: (213) 765-1168

HTTP://WWW.CALSIB.ORG

October 30, 2007

Mr Sanguino Genaro  
#F82737 C.C.F. Shafter  
1150 East Ash St  
Shafter, CA 92363

**RE: YOUR COMPLAINT AGAINST A CALIFORNIA ATTORNEY**

Reference Number: **P09**

Dear Mr Genaro:

This will acknowledge receipt of your correspondence dated Oct 25, 2007, wherein you complained about an attorney.

However, in your correspondence you neglected to identify the attorney. Please furnish this office, in writing, with the name, address and telephone number of this attorney.

Please note the reference number above and refer to this number on your reply.

Your complaint will be processed immediately upon receipt of this information.

Sincerely,

Coordinator of Records



**Superior Court of California**  
**County of San Diego**

NORTH COUNTY DIVISION  
325 S. MELROSE  
VISTA, CA 92081

CRIMINAL RECORDS  
Phone: (760) 726-9595

October 25, 2007

Genaro Sanguino, F82737-3141  
CCF Shafter  
1150 East Ash Street  
Shafter, CA 92363

Re: Sentence Modification

Dear Mr. Sanguino,

The court is in receipt of your letter requesting a reduction of your sentence. Your case was submitted to Judge Goldstein for review. Based on his findings, your request has been denied. Please see the enclosed Ex-Parte document for a review of Judge Goldstein's decision.

Sincerely,

S. Dunn  
Court Operations Clerk

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

GENARO SANGUINO,

Defendant and Appellant.

D052018

San Diego County No. SCN229073

NOV 27 2007

THE COURT:

On its own motion, the court takes judicial notice of San Diego Superior Court file SCN229073. Defendant's "Motion for Requesting a Late Notice of Appeal" received on November 20, 2007, is DENIED. The appeal is DISMISSED.



Presiding Justice

cc: All Parties

**INMATE/PAROLEE  
APPEAL FORM**  
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. CCF Shafter

2. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>Sanguino</u>	<u>F-82737</u>	<u>Don. Porter</u>	<u>3/41</u>

A. Describe Problem: I was told by my attorney, once I arrived here that if I stay discipline-free for four & six mos. I could apply for 50 percent of my sentence in which I received a L.S.S. as they deducted 2900-5 thru 4019 credits, I believe that wasn't the agreement.

If you need more space, attach one additional sheet.

B. Action Requested: I am asking the "record analysis" that's in my prison transcripts, stating I would do 50 percent. I enclose the L.S.S. how they changed it only to credit reduction.

Inmate/Parolee Signature: Sanguino Genaro

Date Submitted: 10/29/07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

**D. FORMAL LEVEL**

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim



LEGAL STATUS SUMMARY TYPE: F CCF

09/20/2007 21:35

CDC NUMBER : NAME : ETHNIC : BIRTHDATE  
 F82737 : SANGUINO, GENARO, XIMELLO : HIS : 09/16/1961  
 TERM STARTS : MAX REL DATE MIN REL DATE MAX ADJ REL DT : MIN ADJ REL DT  
 07/26/2007 : 08/11/2008 05/27/2008 08/11/2008 : 05/27/2008  
 CASE TERM 1/04 + ENHCMNTS 0/00 = TOT TERM 1/04 : PAROLE PERIOD : 3 YRS

## PRE-PRISON + POST SENTENCE CREDITS

CASE	F2900-5	F1200-3	F2900-1	CRC-CRED	MN-CRED	F4019	F2931	POST-SENT	TOT
SCN229073	66					92		6	104

PC296 DNA COMPLETED

RECV DT/ COUNTY/	CASE	SENTENCE DATE	CREDIT	OFFENSE
CMT	OFF-CODE	DESCRIPTION	CODE	DATE

CONTROLLING PRINCIPAL &amp; CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --

7/26/2007	SD	SCN229073	7/19/2007	NO STRIKES: 2
02 P496(A)	RSP			3 05/15/2007
	ATT			

TRAN	DATE	END DATE	LOG NUMBER	RULE	NUMBER	ASSESS	LOST	REST	DEAD
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BEG 07/26/2007 \*\*\*\*\*BEG BAL\*\*\*\*\*

ADD 07/26/2007 SCN229073

CURRENT PC BALANCE: 0 CURRENT BC BALANCE: 76

1. IN The Supreme Court of the  
 2. State California "LOS ANGELES"  
 3. (1.)

4. FEB 23 7

5. GERMAR SANDRINO  
 6. PETITIONER

NO. SN-229073

7. VS The -- [Municipal Superior]

8. Court of the State of Calif.

9. County of # San Diego,

10. et al. Campbell

11. People of Resident

12. the State of Calif.

13. "HIVAKY"

14. Real Party in Interest

MOTION BY:  
PETITIONER FOR  
REVIEW.

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 16.  
 17. [1] "By" Line 1 (5.) ask the courts to  
 18. "hear petitioner writ" "enclosed copies to the  
 19. Case Submitted."  
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No. Ct. No. SEN-229073

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COPIES

# CERTIFICATE OF SERVICE

COPY!

Cases Name: SANQUINO VCase NO.: SNL 229073

IMPORTANT: You must send a copy of all documents filed with the court and any attachments to counsel for all parties in this case. You must also file a Certificate of Service with this court telling us that you have done so. You may use this Certificate of Service as a master copy fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the Certificate of Service to each of the copies and the copy you file with the court.

MOTION for: "PETITION REVIEW"  
"POINTS and authorities"

I certify that a copy of the

(Name of document you are filing,  
i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the person listed below.

Sanquino Genaro X.

Signature

Notary NOT required

Name	Address	Date Sent
California Supreme Court	300 S. SPRING St. LOS ANGELES, CA, 90013	12/13/07

2.

(3)

3.

GERARDO SANGUINO

4.

-- [Name] --, deftendant and petitioner, hereby petition

5.

this court for review of the [Published / Partially

6.

Published / Unpublished] ----- [Opinion / Order] -- of

7.

the Court of Appeal, Fourth District Appellate District,

8.

Division Two -----, filed on oct [date] 25, affirmed --

9.

[Specify] Order or Judgment] ✓. A copy of the ✓ [

10.

Opinion / Order] ✓ of the Court of Appeal is attached

11.

hereto as Exhibit A ✓ [and a copy of ~~order~~ the Order

12.

of Partial Publication is attached hereto as

13.

Exhibit B] ✓ [A Petition for rehearing was

14.

denied on 27 [date] November 2007.]

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Signature: Sanguino Gerardo X.

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22.

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Print: Sanguino Gerardo X.

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Date: 12/13/07

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Certificate of ServiceCOPY!Case Name: SAN GUINO v.Case No.: SCN 229073

IMPORTANT: You must send a COPY of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a Certificate of Service with this court telling us that you have done so. You may use this certificate of Service as a master COPY/fill <sup>in the title of the document you are</sup> ~~with the court. Please list below the~~ filings and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the Certificate of Service to each of the copies and the copy you file with the court.

Motion for: SUPPORT of  
Let Notice of Appeal

I certify that a copy of the \_\_\_\_\_

(Name of document you are filing,  
 i.e., Opening Brief, Motion, etc.)

and any attachments was served, either in person or by mail, on the person listed below.

Sergio Genaro X  
 Signature

Notary NOT required

Name	Address	Date Served
Superior Court of Calif. Northern Division	325 So. Melrose Dr Vista, CA, 92081	2/30/07

1. CERTIFICATE FOR THE COUNTY OF SHERMAN

2. F.82737 SAN GUINO

COPY 1

3. V. Plaintiff,

4. The People of the State

5. of Calif. Defendant,

6. "HIGGINS"

7. \_\_\_\_\_

8.

CASE NO. SCN 229073

MOTION FOR: SUPPORT OF LATE  
NOTICE OF APPEAL.

9.

(1.)

10. Federal PROCEDURE, LAWYER EDITION

11. DATABASE UPDATE June 2006

12. CHAPTER 45. Immigration, Naturalization, and Nationality

13. XV. Inspection, Apprehension and Detention, Adjudication,

14. and Removal of Inadmissible and Deportable Aliens

15. B. Procedure for Removal of Aliens

16. 3. Apprehension and Detention of Aliens

17. COPIES (C) West 2006 NO. CLAIM TO ORIG. U.S. GOVT.

18. WORKS

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21. Certificate of Relief from Disabilities issued by New  
22. York Court in which alien was convicted of "aggravated  
23. felony" did not immunize him from deportation con-  
24. sequences of his conviction; although Certificate was  
25. designed to mitigate consequences of conviction, it  
26. did not eradicate or expunge the underlying conviction.  
27. Megall v. Ashcroft, 253 F.3d 52 (2d Cir. 2001).

28.

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2. "PETERSON"  
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5. prevent him from being deported on that basis; even  
6. previous conviction qualified as "conviction" under the  
7. Immigration and Nationality Act (INA), where conviction  
8. was not within scope of Federal First Offender Act and  
9. continued to qualify as "conviction" for some purposes  
10. under California law. Perez - Castro v. U.S., 287  
11. F.3d 1172 (9th Cir. 2002).

12.  
13. Order of removal. [FN36]  
14. In addition to satisfying these three statutory eligibility  
15. requirements, an applicant for relief under 8 U.S.C.A. §  
16. 1229 b (2) must establish that he or she warrants such re-  
17. lief as a matter of discretion. [FN37] The general standards  
18. developed in matter of Marin, I&N Interim DEC NO. 26666,  
19. 1978 WL 36472 (BIA 1978), for the exercise of discretion  
20. under 8 U.S.C.A. § 1182 (c), which was the predecessor  
21. provision to 8 U.S.C.A. §.

22.  
23. Improper retroactive application of the 1996 Immigration and  
24. Nationality Act (INA) amendments to Aliens Case, which  
25. resulted in treatment of 1990 burglary of a vehicle con-  
26. viction as an aggravated felony, violated Aliens due process  
27. rights, and therefore rendered his removal proceedings final/  
28. essentially unfair, as would permit alien to collaterally attack



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4. (3) "Petitioner"

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underlying Deportation Order upon being charged with illegal reentry into the United States; if amendments had not been retroactively applied at time of aliens removal proceedings, he could have applied for discretionary relief from Deportation Order. U.S.V. Delora Escobar, 20 F. Supp. 2d 839 (W.D. Tex. 2002).

APPEALS - 15:1633

An appeal will not lie from a denial of an application for voluntary departure, but a denial is without prejudice to the alien's right to apply to the Immigration Judge for voluntary departure in accordance with 8 C.F.R. § 240.66 or for relief from removal under any provision of law. [FN44]

"Petitioner"

Maximum possible penalty for aliens designated offense of theft, which resulted in sentence of probation and which was designated a misdemeanor following her completion of probation, was six months, which was maximum possible punishment for misdemeanor under Arizona law, not 18 months, which would have been maximum sentence if offense had been designated a



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felony, and alien thus was eligible for petty offense exception to statutory requirement that alien convicted of crime involving moral turpitude could not be eligible for voluntary departure. (Adams v. I.N.S., C.A. 9 1999) 170 F.3d 1213, 42 amended.

mandatory detention of alien pending removal and/or pending unconstitutionally abridged alien's fundamental right to liberty under due process clause; while alien did not have an absolute right to remain at liberty while immigration and Naturalization Service (INS) undertook removal proceedings against him, due process required an individualized finding on the necessity of his detention. (Bouviad v. Holmes, 74. Supp. 2d 471 E.D. Pa. 1999).

postdetention detention scheme of Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) did not apply retroactively to alien whose order of deportation became final before IIRIRA went into effect; thus, alien could not be held for more than the allowable pre-IIRIRA six-month period. (Sivongxay v. Reno 56 F. Supp. 2d 1167 (W.D. Wash. 1999)).

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§ 45: 1649. Aliens imprisoned, arrested, or on parole supervised release or probation -- exception for removal of nonviolent offenders prior to completion of prison sentence.

The Attorney General is authorized to remove an alien in accordance with applicable procedures under the INA before the alien has completed a sentence of imprisonment:

(1) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that: (a) the alien is confined pursuant to final conviction for a nonviolent offense (other than an offense related to smuggling or harboring of aliens or an aggravated felony offense described in 8 U.S.C.A. § 1101 (a) (43) (B), (C), (E), (I), or (L); and (b) the removal of the alien is appropriate and in the best interest of the United States; or [FNUA] 8 U.S.C.A. § 1231 (a) (1) (B).

Aliens conviction for violating a state that punished activities relating to "racketeering proceeds" did not render him removable for being convicted of violating a law "relating to a controlled substance". Lara-Channon v. Ashcroft, 345 F.3d 1148 (9th Cir. 2003), as amended, (Nov. 6, 2003).

Signature: Sanguino Genaro X.

Print: Sanguino Genaro X.

Dated: 10/30/07

California for the Court of San Diego.

(1.)

Genaro Yimello Sanguino  
#82787 Car. Plaintiff

Case Number  
SCN 229073

The People of the State  
of California,

"Hindal"

Defendant

NOTION for: Requesting  
"a Car-Notice of Appeal."

Redressing "motion, requesting 50 percent sentence".  
Under Notice of Request to Recall Sentence  
(Pen C. § 1170 (d)) through misrepresentation of  
counsel, didn't advise plaintiff, who doesn't "even"  
understand the furnished language as to the  
"lie" either, or. As [Y]ou made "plaintiff"  
believe he would do 50% of sentence.

Cite: Pursuant to PC Section 2933 (CCR 3043.1)  
as of "PC Credits"

"Petitioner" Cited: Holder v Superior Court of  
San Diego (1970) 1 C3d 779, 83 Cal Rptr. 353, 463  
P2d 707.

Alanis v. Superior Court of Los Angeles  
(1970) 1 C3d 784, 83 Cal Rptr 355, 463 P2d 707

2. "Petitioner" Cited: In re May (1976)  
 3. 62 CA3d 165, 133 CR33 (Offense declared Misdemeanor  
 4. error of Legislature;  
 5. "Note"

6. than the original. People v. Brown (1987) 193 CA3d  
 7. 957, 961, 239 CR 697; People v. Grimbale (1981)  
 8. 116 CA3d 678, 685, 172 CR 362

10. See In re Sahdel (1966) 64 C2d 412, 418,  
 11. 50 CR 462 (Prosecution). See People v. Superior  
 12. (Oliver) (1983) 135 CA 562, 27 P2d 670.

14. A minute entry corrected: Boyd v. Superior  
 15. Court (1964) 230 CA 2d 874, 41 CR 480);

17. "Petitioner" Cited: 38.34 E. Vacating or  
 18. correcting void sentence: People v. Chagolla  
 19. (1983) 144 CA 3d 422, 434, 193 CR 711

21. "Petitioner" Gerhard Ximello Sah Gwino issue is  
 22. arising about the "2 strikes" See also  
 23. People v. Ross (1994) 28 CA 4th 1151, 33  
 24. CA 2d.

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"Defender" Cited:

The record reflect a commitment  
(1976) 59 CA3d 831, 131 CR 104.

Huerta Guevara v. Ashcroft, 321 F.3d 883, 888 (9th  
Cir. 2003). United States v. Corona-Sanchez, 291 F.3d  
1201, 1212 (9th Cir. 2002) (en banc).

Noticeable tension in our recent case law. Chavez v.  
INS, 307 F.3d 1185, 1191 (9th Cir. 2002).



Dix v. Superior Court (1991) 53 Cal.4d 442, 279  
Cal. Rptr. 834, 807 82d 1063.

The Rulings on the Motion was in Excess of the  
 Respondent courts "Jurisdiction" Extraordinary Relief.

"Positioner" cited: E.G., Lister v. Superior Court  
(\* 1979) 98 Cal. App. 3d 64, 71-72:

People v. Municipal  
Court (Gettani) (1978) 81 Cal. App. 3d 692, 693;  
People v. Superior Court (Lorenson) (1977) 69 Cal. App.  
3d 57, 61. [overruled on other grounds at 21 Cal. 3d  
537]

People v. Warner (1978) 20 Cal. 3d 678, 683.)  
State Farm Inc. v. Superior Court (1956) 47 Cal. 2d  
428, 432.) AS Pursuant to.

"Daily Journal, Daily Appellate Report / 10376  
9th U.S. Circuit Court of Appeals"  
NO. C040237 (Super. Ct. NO. 006SD1398)  
California Court of Appeal Third Appellate  
District (Sacramento) Filed 9.11.2003.

Signature: Sanguino Genaro X.

10/8/07  
 Date: 10/8/07 Print: Sanguino Genaro X.

PROOF OF SERVICE BY MAILBY PRISONER "IN PRISON"COPY!

I hereby certify that I am over the age of 18 years of age, that I am representing myself, and that I am a prison inmate.

My prison address is: California State Prison -  
Housing: 2/41  
Shafter California, 92363

On the "date" specified below I served the following document(s) on the parties listed below by delivering them in an envelope to prison authorities for deposit in the United States mail pursuant to the "Prison Mailbox Rule":

Case Name: Sanguino Case #: SCN 229073  
Document(s) Served: Motion for: "APPEALING 50 Percent Sentence"

The envelope(s), with postage fully pre-paid or with a Prison Trust Account withdrawal form attached pursuant to prison regulations, was/were addressed as follows:

Honorable, Judge Residing  
Superior Court of California  
North County Division  
325 So. Melrose Drive  
Vista, CA, 92081

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on 9/14/07, Shafter California.

"date"

Signature: [Signature]

Printed Name: \_\_\_\_\_



SANJUAN

COPY!

Gerardo Ximello Sanguino  
F82737 cor

CASE Number  
SCN 229073

v. Plaintiff,  
The People of the State  
of California,  
"Hidalgo" Defendant,

Motion for: "Requesting  
50 Percent Sentence

[I] inmate is addressing the Court, I have been  
disciplinary free. Requesting 50 Percent Sentence.

Your honorable, judge, it was agreed by the  
"People" through P.D. Campbell in behalf of  
"Plaintiff" above. "The reflecting court record"

§ 1170.125. References to existing Statutes include amend-  
ments thereto

Notwithstanding Section 2 of Proposition 13A, as adopted  
at the November 8, 1994 General Election, for all offenses  
committed on or after the effective date of this act, all  
references to existing Statutes in Section 1170.12 are to  
those Statutes as they existed on the effective date of  
this act, including amendments made to those Statutes

(1.)

Geham Yimelo Sanguino  
P.82737 CAR, Plaintiff.

Case Number  
SCN 229073

The People of the State  
of California,

"Hinkley"

Defendant

MOTION for: Requesting  
"a Car-Notice of Appeal."

Redressing "motion, requesting 50 percent sentence"  
under Notice of Request to Recall Sentence  
(Pen C. § 1170 (d)) through misrepresentation of  
counsel, didn't advise plaintiff, who doesn't "enough"  
understand the furnished language as to the  
"Lie" either, or. As [Y]ou made "Plaintiff"  
believe he would do 50% of sentence.

Cite: Pursuant to PC Section 2933 (CCR 3043.1)  
as of "PC Credits"

"Petitioner" Cited: Holder v Superior Court of  
San Diego (1970) 1 C3d 779, 83 Cal Rptr. 353, 463  
P2d 707.

Alanis v. Superior Court of Los Angeles  
(1970) 1 C3d 784, 83 Cal Rptr 355, 463 P2d 707

by this act. (Added by Initiative Measure (Prop. 21, § 16, approved March 7, 2000).)

Note: Authority Cited: Sections 5058, and 2930-2935, et  
Seq., Penal Code, Reference: Sections 6607, 6607.5,  
1160, 1170, 1170.12, 1203, 2900.1, 2900.5 and 5054  
Penal Code; and Section 1782, Welfare and Institutions  
Code; and People v. Caceres (1997) 52 Cal. App 4th  
106, 60 Cal. Rptr. 2d 415, People v. Buchalter (2001)  
26 Cal 4th 994 A, 108 Cal. Rptr. 2d 625, and  
People v. Superior Court (Romero) (1996) 13 Cal  
497, 53 Cal. Rptr. 2d 789. II. The Section 1192.5  
Standard" 2 (People v. Hofford, Supra, 10 Cal, 4th  
at P. 1182, fn. 11) (ABA Project on Min. Stds for Crim  
Justice, Standard relating to Pleas of Guilty  
(Approval Draft 1968) CON. ON § 16, P. 33)

[1] enclose copy of Abstract of Judgment SCN 229073  
Crim min's. judgment SCN 229073

Signature: Sergio Genaro

Date: 9/14/07

Print: Sergio Genaro

Name

SAN GUINO, GENARO XIMELLO

3/41

Address

CCF. Shafer 1150 East Ash St  
Shafer, CA 92363.

CDC or ID Number

F. 82937

Superior Court of Calif.  
NORTH COUNTY DIVISION 325 SO. MELOSE Dr  
Vista, CA, 92081  
(Court)

## PETITION FOR WRIT OF HABEAS CORPUS

Petitioner

SAN GUINO, GENARO Ximello

vs.

The People of the State of Calif.

NO.

(To be supplied by the Clerk of the Court)

Respondent

Hidalgo

## INSTRUCTIONS - READ CAREFULLY

- € If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- € If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- € Read the entire form before answering any questions.
- € This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- € Answer all applicable questions in the proper space. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- € If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- € If you are filing this petition in the Court of Appeal, file the original and four copies.
- € If you are filing this petition in the California Supreme Court file the original and thirteen copies.
- € Notify the clerk of the court in writing if you change your address after filing your petition.
- € In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code Section 1475 and Government Code Section 7293. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 44(h)(1) of the California Rules of Court (as amended effective January 1, 1999). Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

This petition concerns:

- ☒ A conviction ☐ Parole  
☐ A sentence ☐ Credits  
☐ Jail or Prison conditions ☐ Prison discipline  
☐ Other (Specify): \_\_\_\_\_

1. Your name: SANGUINO, GENARD. XINELLO2. Where are you incarcerated? CCF, Shafter3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

RECEIVING STOLEN PROPERTYb. Penal or other code sections: P. 496 (A)c. Name and location of sentencing or committing court: SUPERIOR COURT OF CALIF., NORTH COUNTY  
DIVISION 325 SO. MELROSE DR., VISALIA, CA, 93281d. Case number: SCN 229073

e. Date convicted or committed: \_\_\_\_\_

f. Date sentenced: \_\_\_\_\_

g. Length of sentence: 16 MOS WITH 80%h. When do you expect to be released? MAY, 28, 2007i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:R.D. - Campbell

4. What was the last plea you entered? (check one)

☐ Not guilty ☒ Guilty ☐ Nolo Contendere ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☒ Judge without a jury ☐ Submitted on transcript ☐ Awaited trial

MC-275

## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State Ground 2 on the four. For additional grounds make copies of the four and number the additional grounds in order.)

L.S.S. & Mins Transcripts

## a. Supporting facts:

Tell your story briefly without citing cases or law if you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to state sufficient facts will result in the denial of your petition. (See in re Guiness (1999) 34 Cal. 2d 300, 304) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) at place (where). (If available, attach declarations, relevant transcripts, or other documents supporting your claim)

50 Percent Diversion Progress Subdivision (n) re Guiness  
AB ARB & CDFA: (California Hotel & Motel Assn.,  
Supra, 25 Cal. 3d at p. 212.)

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the case or other authorities that you think are relevant to your claim, if necessary, attach an extra page.)

Same as "6."



7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

Same as in Pg. - 3 of 6 (2)

a. Supporting Facts:

Is "Sahibunda Mines" stating making him believe he was going to get his sentence reduced to "50 Percent."

b. Supporting Cases, rules, or other authority:

Same as in Pg. - 3 of 6 (2)

8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Ct. of Superior Court"): Superior Court of Calif.,  
North County Division

b. Result NO. ANSWER - 10.8.07 c. Date of decision:

d. Case number or citation of opinion, if known:

e. Issues raised: (1)

(2)

(3)

f. Were you represented by counsel on appeal? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:

a. Result

b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

10. If your Petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

#### 11. Administrative Reviews:

a. If your Petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your Petition, even if it is otherwise meritorious (See *In re Musladin* (1975) 52 Cal.App. 3d 500 (125 Cal.App. 256)). Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies

10-25 (Rev. January 2007)

PETITION FOR WRIT OF HABEAS CORPUS

Page 3 of 6



12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☒ No. If no, skip to number 15.

13. a. (1) Name of court: \_\_\_\_\_
- (2) Nature of proceeding (for example, "habeas corpus petition"): \_\_\_\_\_
- (3) Issues raised: (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (4) Result (Attach order or explain why unavailable): \_\_\_\_\_
- (5) Date of decision: \_\_\_\_\_
- b. (1) Name of court: \_\_\_\_\_
- (2) Nature of proceedings: \_\_\_\_\_
- (3) Issues raised: (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (4) Result (Attach order or explain why unavailable): \_\_\_\_\_
- (5) Date of decision: \_\_\_\_\_

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Subin* (1999) 34 Cal.2d 300, 304.)

16. Are you presently represented by counsel? ☐ Yes. ☐ No. If yes, state the attorney's name and address if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☐ No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say, I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as otherwise stated on my information and belief. I as to those matters, I believe them to be true.

Date:

10/30/07

Sanguino Gendro X. and  
(SIGNATURE OF PETITIONER)

Certificate of ServiceCOPY!Case Name: San Guino V.Case No.: SCN-229073

IMPORTANT: You must send a copy of All documents filed with the court and any attachments to counsel for ALL Parties in this case. You must also file a Certificate of Service with this court telling us that you have done so. You may use this Certificate of Service as a master copy. Fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the Certificate of Service to each of the copies and the copy you file with the court.

"Petition for writ of Habeas Corpus"  
 "Enclosed" "Motion for: Support of Late Notice of Appeal"  
 "Legal Status Summary" "Letter: Re: Sentence  
 Modification" "Motion for: Requesting 50 Percent Sentence"  
 "Motion for: Requesting a late Notice of Appeal."

I Certify that a copy of the

(Name of document you are filing,  
 i.e., Opening Brief, Motion, etc)

and any attachment's was served, either in person or by mail, on the person listed below.

Signature San Guino Genao X

Notary Not required

Name  
 The State Bar of Calif

Address

1149 South Hill St  
 LOS ANGELES, CALIF. 90015-2209

Date Served  
 11/06/2007



SHERRI R. CARTER

District Court Executive  
and Clerk of Court

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
312 North Spring Street, Room G-8 Los  
Angeles, CA 90012  
Tel: (213) 884-7984

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

Tuesday, February 12, 2008

GENARO SANGUINO  
F82737  
1150 E. ASH STREET  
SHAFTER, CA 92363

Dear Sir/Madam:

A ☒ Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number  
CV08- 944 JVS (FMO)

A ☐ Motion pursuant to Title 28, United States Code; Section 2255, was filed today in criminal case  
number and also assigned the civil case number

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

☐ District Court Judge \_\_\_\_\_

☒ Magistrate Judge Fernando M. Olguin

at the following address:

☒ U.S. District Court  
312 N. Spring Street  
Civil Section, Room G-8  
Los Angeles, CA 90012

☐ Ronald Reagan Federal  
Building and U.S. Courthouse  
411 West Fourth St., Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4750

☐ U.S. District Court  
3470 Twelfth Street  
Room 134  
Riverside, CA 92501

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,

Clerk, U.S. District Court

By: HRASHAD  
Deputy Clerk

FILED

2008 FEB 12 AM 9:47

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GENARO SANGUINO

PLAINTIFF(S)

V.

HIDALGO

DEFENDANT(S)

CASE NUMBER

CV08- 944 JVS (FMO)

**NOTICE OF REFERENCE TO A  
UNITED STATES MAGISTRATE JUDGE  
(Petition for Writ of Habeas Corpus)**

Pursuant to General Order 07-02, the within action has been assigned to the calendar of the Honorable James V. Selna, U.S. District Judge. Pursuant to General Order 05-07, the within action is referred to U.S. Magistrate Judge Fernando M. Olguin, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Thereafter, unless the Magistrate Judge determines that an evidentiary hearing is required, the Magistrate Judge shall prepare a report and recommendation and file it with the Clerk of the Court which may include proposed findings of fact and conclusions of law where necessary or appropriate, and may include a proposed written order or judgment, which shall be mailed to the parties for objections.

Pleadings and all other matters to be called to the Magistrate Judge's attention shall be formally submitted through the Clerk of the Court.

The Court must be notified within fifteen (15) days of any address change. If mail directed by the clerk to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the petition with or without prejudice for want of prosecution.

Clerk, U.S. District Court

February 12, 2008

Date

By HRASHAD

Deputy Clerk

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, court rules or court orders of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

Hidalgo

2254 ✓ 1983  
FILING FEE PAID  
Yes ✓ No  
HT MOTION FILED (IN L)  
Yes No  
COPIES SENT TO  
Court ✓ Prosec (IE)

as required by law, as well as to identify local  
for the purpose of initiating the civil docket

**FILED**

**FEB 27 2008**

**CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**DEPUTY**

'08 CV 0376 W CAB

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**28 U.S.C. 2254**

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(c)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment				
<input type="checkbox"/> Marine			<input type="checkbox"/> 620 Other Food & Drug		<input type="checkbox"/> 410 Antitrust				
<input type="checkbox"/> Miller Act			<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881		<input type="checkbox"/> 430 Banks and Banking				
<input type="checkbox"/> Negotiable Instrument			<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.				
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment			<input type="checkbox"/> 640 RR & Truck		<input type="checkbox"/> 460 Deportation				
<input type="checkbox"/> 151 Medicare Act			<input type="checkbox"/> 650 Airline Regs		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations				
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)			<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 810 Selective Service				
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits			<input type="checkbox"/> 690 Other		<input type="checkbox"/> 850 Securities/Commodities Exchange				
<input type="checkbox"/> 160 Stockholders Suits			<b>LABOR</b>		<input type="checkbox"/> 875 Customer Challenge 12 USC				
<input type="checkbox"/> Other Contract			<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 891 Agricultural Acts				
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 892 Economic Stabilization Act							
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 893 Environmental Matters					
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 894 Energy Allocation Act					
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 895 Freedom of Information Act					
<input type="checkbox"/> 230 Rent Lease & Eiectmant	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice					
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act	<input type="checkbox"/> 950 Constitutionality of State					
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 890 Other Statutory Actions					

## Docket Number

~~SIGNATURE OF ATTORNEY OF RECORD~~

R Miller